

stances or ingredients and no combination of ingredients capable of producing the effects claimed.

On May 6, 1921, the Parry Medicine Co., Pittsburgh, Pa., having entered an appearance as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$400, in conformity with section 10 of the act, conditioned in part that the products be not sold or disposed of until they had been relabeled in a manner satisfactory to this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10207. Adulteration and misbranding of sparkling Burgundy. U. S. * * * v. 16 Bottles of Sparkling Burgundy * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13785. I. S. Nos. 7828-t, 7829-t. S. No. E-2797.)

On February 1, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 bottles of sparkling Burgundy, remaining unsold at Newark, N. J., alleging that the article had been shipped by Miles Gilman, Philadelphia, Pa., on or about September 8, 1920, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that a substance, to wit, an artificially carbonated mixture containing a small amount of alcohol, traces of sucrose and tartaric acid, but no glycerol (a substance always present in Burgundy or any wine), had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for nonalcoholic Burgundy, which the said article purported to be; and for the further reason that an artificially carbonated mixture containing a small amount of alcohol, traces of sucrose and tartaric acid, but no glycerol, had been mixed with the said article in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements labeled on the said bottles, regarding the article and the ingredients contained therein, to wit, (quart and pint bottles) "H. G. Mumm & Co. Sparkling Burgundy Non-alcoholic P. J. De Centau, Bordeaux, France, H. G. Mumm & Co., New York and Chicago," were false and misleading in that the said labeling constituted a design and device which was false and misleading and deceived and misled the purchaser into the belief that the article was a product put up by the firm of H. G. Mumm & Co., that it was a foreign product, and that it was non-alcoholic, whereas, in truth and in fact, the said article was manufactured by the Vin Aora Corp. of New York City for H. G. Mumm & Co., a party by the name of Mumm having permitted the use of the name of H. G. Mumm & Co., and the said article contained a small amount of alcohol. Misbranding was alleged for the further reason that the article was a product composed of the above-named ingredients, prepared in imitation of Burgundy wine and offered for sale under the distinctive name of another article, to wit, H. G. Mumm & Co. Sparkling Burgundy. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly, correctly, and conspicuously marked on the outside of the package.

On January 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10208. Adulteration of tomato catsup. U. S. * * * v. 75 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13838. I. S. No. 5224-t. S. No. E-2856.)

On November 2, 1920, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 cases of tomato catsup, remaining in the original packages at Springfield, Mass., consigned by the Ellis Canning Co., Angola, N. Y., on or about September 21, 1920, alleging that the article had been shipped from Angola, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs

Act. The article was labeled in part: (Cans) “* * * Success Tomato Catsup Packed By The Ellis Canning Co. Angola, N. Y.”

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On January 20, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10209. Misbranding of Mando tablets. U. S. * * * v. 3 Boxes of Mando Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13846. I. S. No. 6337-t. S. No. E-2859.)

On November 31, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 boxes of Mando tablets, at Newark, N. J., alleging that the article had been shipped by Gracey's Drug Store, Philadelphia, Pa., on or about August 30, 1920, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) “* * * Recommended for Nervous Debility, Lost Vitality, Varicocele, Seminal Weakness, etc. * * * A continued use will produce most satisfactory results * * *”; (carton) “* * * Recommended for Nervous Debility, Lost Vitality, Varicocele, Seminal Weakness, etc. In Man or Woman * * * Succeed where other remedies fail. Restore lost vigor to Men and Women, Young and Old Alike * * *”; (circular) “* * * For Long Standing Cases of Lost Vitality, Nervous Diseases, we recommend Mando Tablets. * * * For Lost Vitality * * *”

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained extracts of nux vomica and damiana.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On January 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10210. Misbranding of Hall's catarrh medicine. U. S. * * * v. 18 Dozen Bottles * * * of Hall's Catarrh Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14025. I. S. No. 1993-t. S. No. C-2613.)

On December 17, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and thereafter an amended libel, for the seizure and condemnation of 18 dozen bottles of Hall's catarrh medicine, at Chicago, Ill., alleging that the article had been shipped by F. J. Cheney & Co., Toledo, Ohio, November 12, 1920, and transported from the State of Ohio into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of potassium iodid 6.5 per cent, extracts of gentian and cardamom, a trace of arsenic, sugar 2.3 per cent, alcohol by volume 11.5 per cent, and water approximately 80 per cent.

Misbranding of the article was alleged in substance in the libel, as amended, for the reason that the following statements regarding the curative and therapeutic effect thereof, appearing in the booklet inclosed in the cartons containing the said article, to wit, “Hall's Catarrh Medicine For Catarrh of the Nasal Cavity, Catarrh of the Ear, Throat, Stomach, Bowels or Bladder. * * * a Blood Purifier * * * Catarrh * * * nose, throat, ear passages, stomach, bowels, bladder, uterus, vagina, rectum, etc. * * *,” were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that the said article was composed of or